

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RONALD GOODE,
Plaintiff,

v.

BRIAN WERNER, et al.,
Defendants.

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CIVIL ACTION NO. 23-CV-2109

ORDER

AND NOW, thi 28th day of June, 2023, upon consideration of Ronald Goode's Motion to Proceed *In Forma Pauperis* (ECF No. 1), Prisoner Trust Fund Account Statement (ECF No. 3), and Complaint (ECF No. 2) it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Ronald Goode, # 55746-066, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of the Federal Detention Center – Philadelphia or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Goode's inmate account; or (b) the average monthly balance in Goode's inmate account for the six-month period immediately preceding the filing of this case. The Warden of the Federal Detention Center – Philadelphia or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Goode's inmate trust fund account exceeds \$10.00, the Warden of the Federal Detention Center – Philadelphia or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income

credited to Goode's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of the Federal Detention Center – Philadelphia.

4. The Complaint is **DEEMED** filed.

5. The Clerk of Court is **DIRECTED** to add Warden A. Cruz and Philadelphia District Attorney Larry Krasner as Defendants and to correct the spelling of Defendant Neil J. Carr's first name.

6. For the reasons stated in the Court's Memorandum, the Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) as follows:

a. All claims against Defendants Kai Scott, Rania Maria Major, Richard A. Shore, and District Attorney Larry Krasner are **DISMISSED WITH PREJUDICE**.

b. All official capacity claims and the individual capacity claims asserted against Defendants John McCrory, P/O Cain, ADA Zingone, Sean P. O'Malley, P/O Thurston, Sgt. Nowakowski, and Warden A. Cruz are **DISMISSED WITHOUT PREJUDICE**.

7. The Clerk of Court is **DIRECTED** to terminate Kai Scott, Rania Maria Major, Richard A. Shore, and District Attorney Larry Krasner as Defendants.

8. All further proceeding on the remaining claims against Defendants Brian Werner, Thomas Rola, Jr., Joseph McCook, P/O Maureen Snyder, Neil J. Carr, and Shiva Raja are

STAYED until Goode informs this Court that his related criminal proceeding has been finally resolved, including any appeals.

9. If he seeks to pursue his claims, Goode must notify this Court **within thirty (30) days of the final resolution of his related criminal case** that (a) the proceeding has been finally resolved; (b) how the proceeding resolved; and (c) whether he still intends to pursue the claims in the instant case. Failure to comply with this Order may result in dismissal of this case.

10. The Clerk of Court is **DIRECTED** not to issue summonses at this time.

11. The time to serve process under Fed. R. Civ. P. 4(m) is hereby extended to the date 90 days following the issuance of summonses by the Clerk of Court upon further order of the Court.

BY THE COURT:

/s/Joel H. Slomsky, J.

JOEL H. SLOMSKY, J.